

REMARKS

Upon entry of the amendments, claims 1-7, 10-16, and 19-46 will be pending in the application. The claims of the non-elected group have been canceled from the application. Support for the amendments to original claims 1 and 10 can be found on pages 4-5 of the application.

Applicant requests reconsideration of the Office Action based upon the following comments.

Title

The Examiner has requested that a new title be selected to be descriptive of the elected claims. Therefore, Applicant has amended the title to read “OPTICAL LENS WITH MARKING AND MANUFACTURING METHOD THEREOF”.

Claim Rejections – 35 U.S.C. § 102

Claims 1-7, 10-16 and 19-22 are rejected as anticipated by Chika (US 4,145,125).

Applicant respectfully traverses this rejection. Applicant believes that the following feature is not disclosed by Chika:

“a marking formed on a surface entirely or partially outside an effective area of said lens to distinguish between a surface and a back of said lens”.

Regarding independent claims 1 and 10, Applicant urges that Chika fails to disclose a marking on a surface because Chika creates the indicia by using dye that deeply penetrates

the resin. In other words and according to the Applicant, the indicia in Chika is formed not on a surface of the lens, but within and throughout the lens.

Chika also fails to disclose that the marking is a coating as set forth in dependant claims 3 and 12. As previously discussed, Chika uses a dye which deeply penetrates the lens.

Therefore, Applicant respectfully asserts that the independent and dependant claims of the present application are not anticipated by Chika.

New Claims

New claims 43-45 are supported by the original filed claims and the original disclosure in the application. These claims provide further detail regarding the markings set forth in independent claim 1 and would be considered part of the same group and species. As such, they should be considered by the Examiner. Applicant also respectfully urges that the cited prior art fails to detail these sort of markings. Hence, these new claims should be allowable over the cited prior art.


New claim 46 details the size of the optical lens based on the disclosure appearing throughout the specification (for example, page 16). Applicant notes that the cited prior art, which pertains to sunglasses, fails to disclose the size of the claimed optical lens. Further, the claimed size would not be a mere design choice because one skilled in the art of sunglasses would simply no have considered making a lens that is two millimeters or smaller.

CONCLUSION

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with the filing of this response, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

Date: February 3, 2004

Signature: 
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